

REMARKS

Claims 1 – 33 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Murakami et al. (U.S. Pat. No. 6,052,644). This rejection is respectfully traversed.

At the outset, Applicant notes that claims 1, 10 and 26, as amended herein, include a module or controller that determines an adjusted pedal based on a pedal device position signal and a vehicle speed, and an engine torque request module or controller that determines an engine torque request based on the adjusted pedal and an engine speed, wherein the adjusted pedal is a pre-calibrated value based on a desired acceleration characteristic. Murakami fails to teach or suggest a module or controller that determines an adjusted pedal based on a pedal device position signal and a vehicle speed and an engine torque request module or controller that determines an engine torque request based on the adjusted pedal and an engine speed, wherein the adjusted pedal is a pre-calibrated value based on a desired acceleration characteristic.

Similarly, claim 18 includes the steps of determining an adjusted pedal based on a pedal position and a vehicle speed, determining an engine torque request based on the adjusted pedal and an engine speed and controlling the engine based on the engine torque request to produce a desired engine torque, wherein the adjusted pedal is a pre-calibrated value based on a desired acceleration characteristic. Murakami fails to teach

or suggest determining an adjusted pedal based on a pedal position and a vehicle speed, determining an engine torque request based on the adjusted pedal and an engine speed and controlling the engine based on the engine torque request to produce a desired engine torque, wherein said adjusted pedal is a pre-calibrated value based on a desired acceleration characteristic.

Murakami discloses a system for limiting the vehicle speed of a vehicle based on a load of the vehicle and road conditions (Col. 4, Lines 14 – 21). A vehicle speed control device 10 includes a vehicle speed limit control means 11, a control gain change means 12 and an acceleration/deceleration/constant speed judging means 13 (Col. 13, Line 66 – Col. 14, Line 3). An accelerator pedal position is detected and is input into the vehicle speed limit control means 11, and a vehicle speed is detected and is input into both the vehicle speed limit control means 11 and the acceleration/deceleration/constant speed judging means 13 (Col. 14, Lines 3 – 10).

The vehicle speed limit control means 11 outputs either the accelerator pedal position or a corrected accelerator pedal position to an engine control device 40. More specifically, the vehicle speed limit control means 11 can determine the corrected accelerator pedal position based on a signal provided from the control gain changing means 12, which is based on a signal generated by the acceleration/deceleration/constant speed judging means 13 (Col. 14, Lines 48 – 58 and Figure 1). The engine control device 40 determines a fuel injection amount based on either the accelerator pedal position or the adjusted accelerator pedal position and a fuel injection timing based on an engine speed (Col. 14, Lines 59 – 64).

Murakami fails to teach or suggest either an adjusted pedal that is a pre-calibrated value based on a desired acceleration characteristic or an engine torque request that is determined based on the adjusted pedal and the engine speed. More specifically, Murakami fails to disclose generating an engine torque request because Murakami is directed toward a traditional engine control that correlates a fuel amount with the accelerator pedal position, as described above. Accordingly, Murakami does not concern a torque-based system, which correlates accelerator pedal position with desired engine torque, as does the claimed engine torque-based system of the present invention.

Further, because the system of Murakami does not provide an adjusted pedal that is a pre-calibrated value based on a desired acceleration characteristic, Murakami implements additional means (i.e., the control gain change means 12 and the acceleration/deceleration/constant speed judging means 13) in order to enable adjustment of the accelerator pedal position to account for changes in vehicle speed. Accordingly, the system of Murakami is more complex and processor intensive than that provided by the present invention.

In view of the above-described deficient teachings of Murakami, reconsideration and withdrawal of the rejections are respectfully requested.

With regard to claims 2 – 9, 11 – 17, 19 – 25 and 27 – 33, each of which ultimately depends from one of claims 1, 10, 18 and 26, which define over the prior art, as discussed in detail above. Therefore, each of claims 2 – 9, 11 – 17, 19 – 25 and 27 – 33 also define over the prior art for at least the reasons discussed with respect to

claims 1, 10, 18 and 26. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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